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EXAMINER
JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
2143	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/840,121	VON MUELLER, CLAY
	Examiner	Art Unit
	Jude J. Jean-Gilles	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 September 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-12 and 45-60</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-12 and 45-60</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>06 May 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This office action is responsive to the Reply received on 09/04/2007.

Response to Amendment/Arguments

1.   In the claims, **1-12, and 45-60** remain pending in the application with no

substantial amendment to any of the claims. Claims represent a method and apparatus

for an "WIRELESS/WIRED TOKEN ACCESS DISTRIBUTED NETWORK AND

SYSTEM FOR USING SAME."

Applicant's arguments with respect to claims 1-12, and 45-60 have been

carefully considered, but are not deemed fully persuasive. Applicant's arguments are

deemed moot in view of the existing ground of rejection as reiterated here below.

Applicants have made no substantial amendments to the independent claims as to

perhaps place them in condition for allowance.

In response to Applicant's arguments, 37 CFR § 1.11(c) requires applicant to

"clearly point out the patentable novelty which he or she thinks the claims present in

view of the state of the art disclosed by the references cited or the objections made. He

or she must show the amendments avoid such references or objections.

The Examiner would like to point out that in page 1 of the Reply, Applicants have

mistakenly affirmed that the Examiner had rejected claims 09/04/2007under 35 USC §

103 as allegedly being anticipated. For the record the rejections are obviousness

rejections under 35 USC § 103.

Applicant's Request for Reconsideration filed on 09/04/2007 has been carefully

considered but is not deemed fully persuasive. However, because there exists the

likelihood of future presentation of this argument, the Examiner thinks that it is prudent

to address Applicants' main points of contention:

A: Applicant contends that In rejecting claims 1-12 and 45-60, the Action primarily

relies on Ogasawara. The Action admits, however, that Ogasawara fails to teach all of

the elements of claims 1-12 and 45-60, and attempts to rely on Farchmin to make up for

the deficiencies of Ogasawara, which it does not.

B: Accordingly, claim 1 recites a system comprising, *inter alia,* "a data collection and

transmission node means ... for ... transmitting... the location where said data collection

and transmission means is in use" (emphasis added). References Ogasawara and

Farchmin, taken either alone or in combination, fail to teach or suggest such subject

matter. As recognized in the Office Action, Ogasawara fails to teach, suggest, or

disclose a data collection device which transmits its location to a centralized controller.

However, in contrast to the position taken in the Action, Farchmin also fails to teach,

suggest, or disclose a data collection device which transmits its location to a centralized

controller. On the contrary, in Farchim a controller 38 and access point identifiers 11

use signal strengths to determine the location of a specific wireless information device

30. (See FIG. 4, step 86 and paragraph 0118.) Because Farchim fails to cure the

deficiencies of Ogasawara the Applicants request that the rejection of independent

claim 1 under 35 U.S.C. § 103 be reconsidered and withdrawn.

As to point A, It is the position of the Examiner that the combination Ogasawara-

Farchmin disclsose the invention as claim. In the rejections of claim 1 below, the

Examineer has carefully mapped the claim to point out the teachings of the prior art

over the claimed invention (see the rejection of claim 1 below; also see Farchmin; par.

0050).

As to point B, see point A above

Examiner notes that no new matter has been added and that the new claims are

supported by the application as filed. However, applicant has failed in presenting claims

and drawings that delineate the contours of this invention as compared to the cited prior

art. Applicant has failed to clearly point out patentable novelty in view of the state of the

art disclosed by the references cited that would overcome the 103(a) rejections applied

against the claims, the rejection is therefore sustained.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 1-12, and 45-60** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ogasawara (U.S. 6,123,259), in view of Farchmin et al (Farchmin)

U.S. Pub. No. US 2004/0203930 A1.

Regarding claim 1: Ogasawara discloses the invention substantially as claimed.

Ogasawara teaches a combination wireless and wired secure token access distributed

network system comprising: a) data token means for storing data, including unique

customer identifier data; ("customer ID card"; fig.2) b) a data collection and transmission

node means that has a data memory for storing the location of said data collection and

transmission means, for reading and inputting the data token data and extracting the

customer identifier data, and transmitting the customer identifier data and the location

where said data collection and transmission means is on use; (5 - "mobile personal

shopping terminal"; 15 -"universal product code (UPC) bar code scanner"; col.6, line 25

- "An additional I/O device is provided on the mobile personal shopping terminal 5 in the

form of an IC card interface unit 60, configured to read information from and write

information to an IC, or smart card. As will be developed in greater detail below, the IC

card and card interface unit 60, in combination, provides a suitable means for a

customer to transport pertinent data to and from a retail facility and exchange that

pe.rtinent data with the facility through use of the mobile personal shopping terminal 5 in

accordance with practice of principles of the invention. While referred to as an IC card,

the card is a personal memory \-2-card\-12- or data card which looks and feels much

like an ordinary credit card. The IC card may be either contact based or contactless.

The simplest contact-type card might be a magnetic tape storage stripe affixed in a

particular location on its reverse side. Alternatively, a contact or contactless IC card may

comprise a microprocessor, an electrically erasable field-programmable read-only

memory (EEPROM), a Flash ROM (FROM) and, optionally, circuitry for inductively

receiving an RF power signal.")

c) a data access point means for receiving said transmitted data from said data

collection and transmission means and extracting sand transmitting said unique

customer identifier data and data collection and transmission means location; and (5;

fig.8)

(d) network system controller means (20 - "controller unit") for receiving the data

transmitted by said data access point means and informing a user of said network

controller means of the customer identifier data and the data collection and transmission

means location identifier data; whereby when said network system controller is in use, it

allows a user to centrally gather customer identifier data simultaneously with the

location of the transmitting data collection and transmission node. (5, 10, 15, 20, 30, 35,

40, 50, 55)

However, Applicants argue that Ogasawara does not disclose the step of "a data

collection and transmission node means ... for ... transmitting ... the location where said

data collection and transmission means is in use" (emphasis added). This limitation,

recited by independent claim 1 and included in its dependent claims, is sufficient to

distinguish the present invention over the invention of Ogasawara.

In the same field of endeavor, Farchmin discloses "controller linked to the access

points and the database and including a controller processor; wherein, at least one of

the processors is programmed to cooperate with the access points to identify WID

location within the facility and determine if a WID is within a machine zone

corresponding to a specific machine and, when a WID is within a machine zone, the

controller processor identifies machine information corresponding to the specific

machine and causes the access points to transmit at least a sub-set of the machine

information to the WID for presentation via the WID; and wherein, at least one of the

processors is programmed to monitor WID location after the information is presented

via the WID and, when the WID is located outside the machine zone, alters the

information presented via the WID". [see Farchmin; par. 0050].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at

the time the invention was made to have incorporated Farchmin's teachings of using

data location transmission technique with the teachings of Ogasawara, for the purpose

of improving the ability of a network "...to provide a relatively inexpensive automated

facility interfacing system. .. cost can be minimized by employing existing wireless

communication systems...thus, existing LAN access points can be used to provide

WID locating signals [see Farchmin; par. 0033]. By this rationale, **claim 1** is rejected.

Regarding claims 2-12, 45-60, the combination Ogasawara-Farchmin teaches:

2. The combination wireless and wired secure token access distributed network system

according to claim 1, wherein said data token means includes a magnetic stripe card.

(see Ogasawara "customer ID card", "smart card")

3. The combination wireless and wired secure token access distributed network system

according to claim 1, wherein said data token means includes a chip card. (see

Ogasawara "smart card")

4. The combination wireless and wired secure token access distributed network system

according to claim 2, wherein said data collection and transmission node means

includes a magnetic card reader having a wireless communications transmitter. (see

Ogasawara col.5, lines 43-65)

5. The combination wireless and wired secure token access distributed network system

according to claim 3, wherein said data collection and transmission node means

includes a chip card reader having a wireless communications transmitter. (see

Ogasawara 50; col.5, lines 43-65)

6. The combination wireless and wired secure token access distributed network system

according to claim 1, wherein said one or more data access point means includes a

wireless communications capability whereby all said data collection and transmission

node means within the broadcast radius of said data access point means is in wireless

communications with said data access point means. (see Ogasawara col.5, lines 43-65)

7. The combination wireless and wired secure token access distributed network system

according to claim 1, wherein said data access point means includes a hard wired

communications capability whereby said network system controller means

communicates with said data access point means. (see Ogasawara "the mobile

personal shopping terminal (see Ogasawara 5 of FIG. 1) either by wireless transmission

through the terminal's RF transceiver, through a wired I/O port such as an RS-232 port

or by means of a high-density flexible media cartridge which may be inserted into an

optional floppy drive unit comprising the terminal's mass data storage unit (see Ogasawara 30 of FIG. 1). In an alternative implementation, scanned and OCR converted text character data is transferred to the store's core server (see Ogasawara 50 of FIG. 1) which, in turn, transmits the data to the mobile terminal viathe terminal's RF transceiver")

8. The combination wireless and wired secure token access distributed network system according to claim 1, wherein said network system controller means includes encoding means for encoding customer identifier data onto said data token means. (see Ogasawara "the mobile personal shopping terminal (5 of FIG. 1) either by wireless transmission through the terminal's RF transceiver, through a wired I/O port such as an RS-232 port or by means of a high-density flexible media cartridge which may be inserted into an optional floppy drive unit comprising the terminal's mass data storage unit (see Ogasawara 30 of FIG. 1). In an alternative implementation, scanned and OCR converted text character data is transferred to the store's core server (see Ogasawara 50 of FIG. 1) which, in turn, transmits the data to the mobile terminal via the terminal's RF transceiver")

9. The combination wireless and wired secure token access distributed network system according to claim 1, wherein said data access point means stores the data from said data collection and transmission means in a format which is available for TCP/IP access. (see Ogasawara "The mobile terminal may then transmit the shopping list to the store central computer using the RF communication transceiver. Alternatively, the shopping list is prepared on a customer's home personal computer system and is

uploaded to the store's web site through an Internet connection.")

10. The combination wireless and wired secure token access distributed network system according to claim 1, wherein said data access point means includes overlapping broadcast radiuses to enable multiple data access points to communicate with multiple data collection and transmission nodes and thereby enabling a built-in system redundancy. (see Ogasawara col.5, lines 43-65)

11. The combination wireless and wired secure token access distributed network system according to claim 10, wherein said data access point means including overlapping broadcast radiuses to enable multiple data access points to communicate with multiple data collection and transmission nodes means includes one or more repeater access points in communication with said data access points to enable long range data communication between data collection and transmission nodes within and outside the broadcast radius of said data access points. (see Ogasawara col.5, lines 43-65)

12. The combination wireless and wired secure token access distributed network system according to claim 1, wherein said network system controller means includes a central network system controller in wired communication with several peripheral network system controllers for the purpose of centrally gathering data transmissions from multiple data access points in communication with multiple data collection and transmission nodes. (see Ogasawara col.5, lines 43-65)

45. A system, comprising:

a data token configured to store data comprising token identifier data (see Ogasawara

"customer ID card", fig. 2);

a data collection node comprising a data memory for storing the location of the data

collection node, the data collection node configured to access the token identifier data

from the data token, and further configured to send the token identifier and the location

of the data collection node to a network system controller (see Ogasawara, 5 - "mobile

personal shopping terminal"; 15 -"universal product code (UPC) bar code scanner"; col.

6...); and

wherein the network system controller receives the data sent by the data access point

and provides the token identifier and location of the data collection node to a user,

whereby the network system controller allows the user to centrally gather token

identifier data with the location of the data collection node at which the token identifier

data was accessed (see Ogasawara; 20 - "controller unit"; see Farchmin; par. 0050);

46. The system of claim 45, wherein the data collection node is configured to send the

token identifier and the location of the data collection node to a data access point and

wherein the data access point is configured to receive the transmitted data from said

data collection and transmission node and send the token identifier data and location

data to the network system controller.

47. A system, comprising:

a plurality of data collection nodes disposed at respective locations, wherein each data

collection node comprises a data memory for storing its respective location, and each

data collection node is configured to access a token identifier from a data token placed

in communicative proximity with the data collection node (see Ogasawara; 5 - "mobile

personal shopping terminal"; 15 -"universal product code (UPC) bar code scanner"; col.

6...);

a controller in communicative contact with the data collection nodes, and configured to

receive the token identifier and the location from a data collection node; and wherein the

controller is further configured to communicate the location of a data tokens placed in

communicative proximity with a data collection node (see Ogasawara; 20 - "controller

unit"; see Farchmin; par. 0050);

48. The system of claim 47, further comprising a data access point proximate to the

data collection nodes and configured to receive the location and token identifier from the

data collection nodes and to transmit the location and token identifier data to the

controller (see Farchmin; par. 0050).

49. The system of claim 48, wherein the controller comprises software to poll the data

access point for the token identifier and the location data (see Ogasawara; 20 -

"controller unit"; see Farchmin; par. 0050).

50. The system of claim 48, wherein the data access point is in wireless communication

with a data collection node and wired communication with the controller (see Farchmin;

par. 0143; 0050).

51. The system of claim 48, wherein the stored location of the data collection nodes is

used to identify the specific location of the data collection nodes within the proximity of

the data access point (see Farchmin; par. 0143; 0050; 0136).

52. The system of claim 48, further comprising a repeater access point proximate a

subset of the data collection nodes and configured to receive the location and token

identifier data from its respective data collection node or nodes and to transmit the

location and token identifier data to the data access point for subsequent

communication to the controller (see Farchmin; par. 0143; 0050)..

53. The system of claim 47, further comprising a plurality of data access points, each

data access point proximate to a subset of the data collection nodes and configured to

receive the location and token identifier data from its respective data collection node or

nodes and to transmit the location and token identifier data to the controller (see

Farchmin; par. 0143; 0050; 0136).

54. The system of claim 53, wherein the data access points are configured to store

location and token identifier data received from their respective data collection node or

nodes, and wherein the controller is configured to poll the data access point to capture

the stored data (see Farchmin; par. 0143; 0050; 0136).

55. The system of claim 53, wherein the data access points include overlapping

communication areas to enable a data access point to communicate with more than one

data collection node (see Farchmin; par. 0143; 0050; 0136).

56. The system of claim 47, wherein the data token comprises a magnetic stripe card

or a chip card (see Ogasawara card).

57. The system of claim 47, wherein the stored location of the data collection nodes is

resolvable to a degree of accuracy to enable distinguishing the location of a data

collection node from the other data collections nodes (see Farchmin; par. 0143; 0050;

0136).

58. A method, comprising:

receiving identifier data from a data token placed in a location in communicative

proximity to a data collection node; storing at the data collection node a location of the

data collection node; (see Ogasawara; 5 - "mobile personal shopping terminal"; 15 -

"universal product code (UPC) bar code scanner"; col. 6...);

forwarding the identifier data and the location to a central controller to thereby enable

location of a data token placed in communicative proximity with a data collection node

(see Ogasawara; 20 - "controller unit"; see Farchmin; par. 0050);

59. The method of claim 58, wherein the step of forwarding comprises the steps of the

data collection node forwarding the identifier data and the location to a data access

point, and the data access point forwarding this information to the central controller (see

Farchmin; par. 0143; 0050; 0136).

60. The method of claim 58, further comprising the step of resolving the location of the

data token to a degree of accuracy such that its location at its respective data collection

node can be identified as distinct from the locations of the other data collection nodes

(see Farchmin; par. 0143; 0050; 0136).

Conclusion

4.   Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3201.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0800.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

October 28, 2007

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